

**Town of Shrewsbury - Board of Selectmen  
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room  
100 Maple Avenue  
Monday, December 1, 2003 at 7:00 PM**

**Minutes**

**Present:**

Bruce Card, Thomas Fiore, Philip Hammond, John Lebeaux, and Daniel Morgado, Town Manager. Mr. Fiore called the meeting to order at 7:03pm.

**Preliminaries:**

1. Approve bills, payrolls and warrants #0443 in the amount of \$282,111.18 and #0444 in the amount of \$1,436,269.84.
2. Approve Minutes of November 10, 2003 and November 17, 2003. Motion made, seconded and unanimously voted to approve.
3. Announcements – Mr. Lebeaux reminded everyone that the Light Dept. is sponsoring the Share the Warmth Program. Residents may make contributions to help others in need with funding for heat and hot water during the winter months and the Santa's Toy Chest campaign. New, unwrapped toys may be dropped off at the Light Dept. offices Monday-Friday from 8:00am to 5:00pm until December 11<sup>th</sup>. Distribution is through St. Anne's. Mr. Hammond announced that the Friends of the Masonic Property will hold the first clean up of that property this Saturday, December 6<sup>th</sup> at 11:00am. The Shrewsbury Garden Club is organizing this effort. Those interested in helping out should assemble at the property gate. Parking is available at the Mt. Olivet Lutheran Church lot.
4. Town Manager's Report – Nothing. There is a current issue on easement Mr. Morgado wished to talk about later however.

**Meetings**

**Hearings:**

1. 7:05pm – Goodall & Sons Trailer Co., Inc., Carl Goodall, owner, 683 Hartford Turnpike. Class I and Commercial Garage License. Hours of operation: Monday-Friday 7:00am to 6:00pm, Saturday 7:00am to 12:00 noon, Sundays – closed. Atty. St. Pierre, Mr. Goodall and Mr. DeSantis, property owner, were present. Mr. Fiore advised that he held a garage license but he is in a different form of business from what Mr. Goodall would be doing therefore no conflict existed. Atty. St. Pierre outlined Mr. Goodall's plans and qualifications for these licenses. He added that no changes are planned to the existing building on the site or to the parking area. Mr. Fiore advised that department heads had no issues but that the Disabilities Commission asked that the applicant be made aware of handicapped accessibility requirements. He asked Board members for their questions. In response to a question by Mr. Lebeaux, Mr. Goodall said that he would like to open very soon. Mr. Fiore opened the hearing to the public. After a question by Mr. Kirk, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Carl Goodall, Goodall & Sons Tractor Co., Inc. for a Class I and Commercial Garage License. Motion was seconded and unanimously voted.

Mr. Fiore said that he would like to take advantage of Atty. St. Pierre's presence to sign a drainage easement which had been approved at the Annual Town Meeting in May. Motion was made, seconded and unanimously voted to sign.

2. 7:15pm – RED Associates, LLC d/b/a Moe's Southwest Grill, 61 Boston Turnpike, Ryan P. Rouleau, Manager, All Alcoholic Beverages Pouring License and Common Victualler's License. Hours of operation: Sunday-Saturday 11:00am to 10:00pm. Mr. Rouleau, Atty. VanBuren and David Barrows, operating manager of Moe's, were present. Atty. VanBuren advised that Moe's is a franchise operation specializing in southwestern style food. They hoped to open for business in several weeks but they would not open until Bronzo's, currently in business at this location, has ceased operations. Mr. Fiore advised that reports had not been received from departments with the exception of the

Disabilities Commission and they wished to make the applicant aware of handicapped accessibility requirements. He asked the Board for their questions. After a discussion covering concerns on parking, traffic and the current business on the site, Mr. Fiore opened the hearing to the public. Mr. Kirk questioned traffic congestion in the area. The Board decided to hold approval on the Common Victualler's License until their December 15<sup>th</sup> hearing in order to get reports from department heads and to give the applicants further time to get a more detailed parking layout. Motion was made, seconded and unanimously voted to approve the All Alcoholic Beverage Pouring license for Moe's Southwest Grill, 61 Boston Turnpike, Ryan Rouleau, manager, pending expiration or surrender of license currently held by Bronzo's. Motion was seconded and unanimously voted. Motion was made to continue the hearing on the Common Victualler's License until December 15, 2003 at 7:30pm. Motion was seconded and unanimously voted.

3. 7:30pm – Tax Classification Hearing. Assessor Ellia and James Kane of the Board of Assessors were present. Mr. Ellia advised that he had not received approval from the Dept. of Revenue relative to the tax rate. Therefore, numbers were tentative at this time. Tonight he was asking the Board to vote on the tax classification factor. The Board would have to determine whether they wished to have a different rate for commercial property than for residential property. In the past Shrewsbury has had a single factor for both classifications. He added that the tentative figure for a single tax rate is \$9.92 per thousand dollar evaluation and noted that this is a reclassification year so evaluations would change. But due to the fact that the Town had also reevaluated properties last year, this would not be a large increase. After a discussion, motion was made to establish a single tax rate. Motion was seconded and unanimously voted. Motion was made to adjourn the hearing until 7:00pm on December 15<sup>th</sup>. Motion was seconded and unanimously approved.

#### **Old Business:**

8. Use of Town Common/Gazebo. Mr. Fiore advised that this item had been continued from the November 17<sup>th</sup> meeting. Since that time he had the opportunity to speak to Rev. Paul Adkins of the First Congregational Church regarding use of the Town Common. Rev. Adkins was to speak with his Board and get back to Mr. Fiore regarding a meeting of both Boards on this topic. Mr. Fiore also advised the Board that the Town Common would be in the midst of construction during the spring and summer of next year making any use dangerous. In light of the construction schedule, motion was made, seconded and unanimously voted to deny the request to use the Town Common for a wedding on May 14, 2004. Mr. Belanger will be advised of the Board's decision. Others that use the Common will be notified of the upcoming construction schedule. Mr. Fiore added that when meeting with the First Congregational Church the Board should discuss a policy, regulations, etc. for use of the Common when construction is completed.
9. Reaffirm Avalon Bay vote authorizing action to seek a comprehensive permit. Mr. Fiore reviewed the vote taken by the Board on November 17<sup>th</sup>. Motion was made, seconded, and unanimously voted to reaffirm the vote.
10. Shrewsbury Development Corp. – appointment. Motion was made to appoint Gary Riedel to the Shrewsbury Development Corporation immediately to fill the remainder of the term of Alden Harris, expiring on January 31, 2008. Motion seconded and unanimously voted. Letter of appointment to be sent to Mr. Riedel.
11. Chief Sampson's response to Petition from Anglin Lane residents to waiver parking ban. Mr. Fiore reviewed the request by the Anglin Lane residents. He advised that Chief Sampson does not support the waiver of the parking ban on Anglin Lane. Motion was made to deny the request to waive the parking ban on Anglin Lane. Motion was seconded and unanimously voted. Petitioners will be notified.
12. Sign Memorandum of Agreement, Construction of Connector Road. Motion was made, seconded and unanimously voted to sign the Memorandum of Agreement.
- 12a Product Take Back Legislation. Correspondence on this issue had been forward to Director of Health, Nancy Allen for opinion. Ms. Allen recommends that the Board support this legislation. Motion was made, seconded and unanimously voted to sign the Resolution.

#### **New Business:**

13. St. Mary's Syrian Orthodox Church, 1 Industrial Drive, One Day All Alcohol License for Christmas Party, Saturday, December 13, 2003, 8:00pm to 1:00am. Approval cannot to given to serve alcohol after 12:00 midnight on Sunday. Motion was made, seconded and unanimously voted to approve the One Day Alcohol License for St. Mary's Syrian Orthodox for Saturday, December 13, 2003 from 8:00pm to 12:00 midnight. Motion seconded and unanimously approved.
14. Shrewsbury Electric Light Department recommends existing 100 watt mercury street lights on poles 14 & 16 on Colonial Drive be changed to two (2) 70-watt high-pressure sodium light fixtures. Motion was made, seconded and unanimously voted to approve the change in lighting.
15. Pepper's Fine Foods Catering, 43 Hudson Street, Northborough. One Day Wine & Malt Beverages License, reception for UMass/Memorial Dept. of Surgery, Hoagland-Pincus Conference Center, 222 Maple Avenue, Saturday, December 13, 2003, 6:00pm to 11:00pm. Motion was made, seconded and unanimously voted to approve the One Day Wine & Malt Beverages License for Pepper's Fine Foods Catering.

#### **Executive Session:**

16. Value of real property and pending litigation. Mr. Morgado requested an executive session. Motion was made, seconded, and unanimously voted to adjourn into executive session at 9:25pm and not reconvene for the purpose of discussing value of real property and pending litigation. The Board was polled, Mr. Hammond, yes, Mr. Card, yes, Mr. Lebeaux, yes, and Mr. Fiore, yes.

#### **Communications:**

17. Noted copy mailed: E-mail from Erica Bodden, Shrewsbury Child Development Committee, re Community Sign in front of Beal. The Beal sign has been renovated by the Shrewsbury Child Development Corp. and the Boys Scouts. Ms. Bodden has concerns about damage from those stapling and nailing notices to the board. After a discussion the Board will notify Ms. Bodden that her group should put a notice on the board asking people to refrain from this practice. Mr. Morgado will inform the people at Beal who monitor the sign and Ms. Scanlon who updates posted material will receive a copy of Ms. Bodden's letter.
18. Noted copy mailed: Letter from Tesis, Inc. d/b/a Precision Auto Sound, 101 Hartford Turnpike, relinquishing their Commercial Garage License.
19. Noted copy mailed: Letter from Patricia O'Rawe, 99 Hartford Turnpike, commending the Shrewsbury EMT's. Forward to Chief Laflamme and Scott Kasper of UMass/Memorial.
20. Noted copy mailed: Announcement from Executive Office of Environmental Affairs re Water Assets Study.
21. Noted copy mailed: Announcement of Public Hearings re Draft FY2004-FY2009 Capital Investment Program (CIP).
22. Noted copy mailed: USFilter Monthly Compliance Report, October 2003.
23. Noted copy mailed: Letter from James Mitros, 3 Emerson Circle, requesting Streetlights. Forward to Light Dept. for review.
24. Noted copy mailed: Letter from CMRPC re Brownfield Assessment Grant Opportunity.
25. Noted copy mailed: ZBA Hearing Minutes, 10/28/03, Michael & Christina Whatmough, 92 Holden Street.
26. Noted copy mailed: Memo from Dept. of Education re Compliance with Spending Requirements, FY 03 & FY04
27. Noted copy mailed: School Committee/Selectmen Meeting Minutes, 10/14/03
28. Noted copy mailed: School Committee Meeting Minutes, 10/15/03.
29. Noted copy mailed: ZBA Hearing Minutes, 9/30/03, Barbara Chevrefils, 37 Shirley Road.
30. Noted copy mailed: ZBA Hearing Minutes, 10/28/03, Pat Gilberg, 8 Cedar Road.
31. Noted copy mailed: ZBA Hearing Minutes, 10/28/03, Wellspring United Methodist Church, 939 Boston Turnpike.
32. Noted copy mailed: ZBA Hearing Minutes, 10/28/03, Frederick Abasciano, 21 Eaton Avenue.
33. Noted copy mailed: ZBA Hearing Minutes, 10/28/03, Jonathan Gabriel, 29 Edgewater Avenue.
34. Noted copy mailed: Letter from Rep. Polito re funding for noise study on I-290 in Shrewsbury.
35. Noted copy mailed: Shrewsbury Park & Recreation Update - Winter Registration Dec. 6<sup>th</sup>.
36. Noted copy mailed: ZBA Hearing Agenda, 12/10/03.

37. Noted copy mailed: Invitation to Corridor Nine Chamber of Commerce Holiday After Hours at White Cliffs.
38. Noted copy mailed: Mr. Morgado's letter to Anthony Russell re proposed Cherry Street extension.
39. Noted copy mailed: Letter from Westborough Board of Selectmen Chair, Kris Allen, re Westborough District Court. Board will send letter of support.
40. Noted copy mailed: Letter from Senator Pamela Resor re release of Senate Bill 1252, *An Act Relative to the Distribution & Sale of Household Cleaning Products Containing Phosphorus*. Board will support.
41. Noted copy mailed: Notice of Project Change, Assabet River Consortium Management Plan. (plans in office)
42. Noted copy mailed: Letter from Revelli & Revelli re Bronzo's, Inc. 2004 Liquor License.
43. Noted copy mailed: Invitation to meeting and breakfast from Career Development Council of Grafton Job Corps.
44. Noted copy mailed: Letter from Sheriff Flynn Re: Cities/Towns interest to establish a Regional Lockup Facility. Hold for December 15<sup>th</sup> meeting – old business.

Motion was made, seconded, and unanimously voted to adjourn at 9:25pm into executive session for the purpose of discussing value of real property and pending litigation not to reconvene into open session. A roll call vote was taken Mr. Hammond, yes, Mr. Card, yes, Mr. Lebeaux, yes, and Mr. Fiore, yes.

Respectfully submitted,

Janice C. McCoy  
Secretary